



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

GEORGIA M. PESTANA  
*Corporation Counsel*

ROBERT WENNEMER  
*Assistant Corporation Counsel*  
Office: (212) 356-2331  
Cell: (929) 486-5821  
Fax: (212) 356-3509  
Email: [rwenneme@law.nyc.gov](mailto:rwenneme@law.nyc.gov)

September 29, 2021

**VIA ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: Anthony Casiano v. City of New York, et al.,  
19 Civ. 5226 (KPF)

Your Honor:

I am the Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. Defendants write to respectfully request (i) that they be permitted to depose plaintiff in this matter pursuant to Federal Rule of Civil Procedure (“FRCP”) 30(a)(2)(B) on October 7, 2021, rather than October 1, 2021, in order to accommodate plaintiff’s new correctional facility, (ii) that the Court order plaintiff’s facility to produce him for said deposition, and (iii) that fact discovery be extended by thirty (30) days, from October 5, 2021 to November 4, 2021, in order for defendants to conduct any necessary discovery follow-up after plaintiff’s deposition.

By way of brief background, on September 21, 2021, the Court granted defendants’ request to depose plaintiff on October 1, 2021 and ordered plaintiff’s production for the deposition at his then-listed facility, Elmira Correctional Facility. (See Dkt. No. 200). Subsequently, on September 22, 2021, plaintiff filed a *pro se* memorandum updating his address with the Court as Five Points Correctional Facility, located in Romulus, New York. (See Dkt. No. 201). Thereafter, defendants forwarded the Court’s September 21, 2021 Order to Five Points Correctional Facility in order to arrange for plaintiff’s deposition but were notified that the facility is unable to accommodate plaintiff’s deposition on October 1, 2021.

Defendants have confirmed with Five Points Correctional Facility that plaintiff can be produced for his deposition on October 7, 2021, from 10:00 a.m. until 5:00 p.m. In order to facilitate plaintiff’s appearance, defendants have attached a proposed Order for the Court’s review and endorsement. Furthermore, defendants respectfully request that fact discovery be

extended by thirty (30) days in order for defendants to conduct any additional discovery relating to matters raised at plaintiff's deposition.

Accordingly, defendants respectfully request that the Court (i) grant defendants leave to depose plaintiff pursuant to FRCP 30(a)(2)(B) on October 7, 2021, (ii) order the Warden or other official in charge of Five Points Correctional Facility to produce plaintiff for his deposition on October 7, 2021, from 10:00 a.m. until 5:00 p.m., and (iii) extend fact discovery in this matter by thirty (30) days, or to November 4, 2021.

Thank you for your consideration of the matters herein.

Respectfully submitted,

/s/ Robert Wennemer

Robert Wennemer, Esq.  
Assistant Corporation Counsel  
Special Federal Litigation Division

*Encl.*

cc: Anthony Casiano (via First-Class Mail)  
DIN No. 19A2659  
Five Points Correctional Facility  
P.O. Box 119  
Romulus, NY 14541

Application GRANTED. Defendants shall be permitted to depose Plaintiff on October 7, 2021. To accommodate this request, the deadline for fact discovery is hereby extended to November 4, 2021. The Court will separately endorse Defendants' proposed order of production.

The Clerk of Court is directed to terminate the pending motion at docket entry 202.

Date: September 30, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE